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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,491	07/11/2000	Luther C. Abel	C1117-991100	9981

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EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,491

Applicant(s)

ABEL ET AL.

Examiner

Harish T Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20 and 24 are reciting a different class of invention than that of claim 17 from which they depend. That is, claims 20-24 are reciting an article of manufacture (i.e., a interface). Claim 20 is a method claim. Consequently, none of the claims 20-24 recite any components of the claimed inventions. Therefore, it is vague and indefinite as to what the structures of the claimed article of manufacture or the apparatus are.

Claims 1-16 and 34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The reference claims are product claims and however no elements are claimed in the body of claims, therefore, claims do not clearly set forth the metes and bounds of the patent protection desired. In the present instance, claims 1-16 & 34-37 recite the broad recitation Interface, and the claims also recite selectively restricting approval, which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 11, 12-15, 17, 23, 25-34 & 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleming (US 5,953,710).

Re. Claim 1, Fleming discloses an interface (items 60 & 62) between a merchant's bank and a bank at which a consumer has an account for conducting card-based transactions, the interface being remotely accessible by the consumer for selectively restricting approval of a transaction [see entire document particularly, Abs; Figures 1-11; C1 L5 to C4 L11].

Re. Claims 2, Fleming discloses wherein the bank at which the consumer has an account and the interface each determines independently of the other whether to approve the transaction [Figures 1, 3-6; C1 L5-47].

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Re. Claim 11, Fleming discloses an interface between a merchant's bank and a bank at which a consumer has an account for conducting card-based transactions, the interface being remotely accessible by the consumer for selectively directing a transaction to an account wherein the account to which the transaction is directed is identified from among a plurality of accounts held by the consumer based upon criteria selected by the consumer [Ref. see claim 1].

Re. Claims 12-15, Fleming discloses wherein the account is identified based upon an amount of the transaction, and wherein the account is identified based upon a type of goods or services purchased, and wherein the account is identified based upon an identity of the merchant, and wherein the account is identified based upon a current account balance [see claim 1 and Figure 2A; C7 L4-L37].

Re. Claims 17, 23, 25-28 Fleming discloses presenting a card to a merchant for a transaction [see claim 1, C7 LL37 to C9 L L10], and communicating information relating to the transaction from the merchant to an interface [Fig. 3], and determining at the interface whether to approve or deny the transaction based upon a criteria selected by the consumer [Fig. 3], and when said determining at the interface finds that the transaction is to be approved based upon the criteria selected by the consumer, communicating information relating to the transaction from the interface to a bank at which the consumer has an account, and determining whether to approve or deny the transaction based upon predetermined criteria selected by the bank and communicating

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results of said determining whether to approve or deny the transaction to the merchant, and wherein the presenting is performed by a card user other than the consumer, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon an amount of the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a type of goods or services purchased during the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon an identity of the merchant, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a current account balance [Ref. see claim 1].

Re. Claims 29-33, Fleming discloses presenting a card to a merchant for a transaction, and communicating information relating to the transaction from the merchant to an interface, and identifying at the interface an account from among a plurality of accounts held by the consumer to which the transaction is to be directed based upon criteria selected by the consumer, and communicating information relating to the transaction from the interface to a bank at which the consumer has the identified account, and determining whether to approve or deny the transaction based upon predetermined criteria selected by the bank, and communicating results of said determining whether to approve or deny the transaction to the merchant, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer

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has an account based upon an amount of the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a type of goods or services purchased during the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon an identity of the merchant, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a current account balance [Ref. see claim 1].

Re. Claim 34, Fleming discloses an interface between a merchant's bank and a bank at which a consumer has an account for directing card-based transactions made by the consumer using any of a plurality of cards to the account wherein the interface selectively restricts approval of a transaction made using one of the plurality of cards in accordance with a limitation on an amount of the transaction, the limitation for each of the plurality of cards not necessarily being equal and the interface being accessible to the consumer for selecting the limitation for each of the plurality of cards [Ref. see claim 1].

Re. Claim 36, Fleming discloses an interface between a merchant's bank and a bank at which a consumer has an account for directing card-based transactions made by the consumer using any of a plurality of cards to the account wherein the interface selectively restricts approval of a transaction made using one of the plurality of cards

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based upon whether the consumer has enabled or disabled the card being used, the interface being accessible to the consumer for selectively enabling or disabling each of the plurality of cards [Ref. see claim 1].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 16, 35 & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming.

Re. Claims 10, 16, 35 & 37 Fleming discloses telecommunications link [for example figure 1] and for examples URL for MasterCard web site (www.mastercard.com/Info/products.htm) [front page]. Fleming, explicitly, does not disclose wherein the interface comprises a web server for allowing the consumer to access the interface via the World Wide Web. However, it is well known that Internet (World Wide web) is nothing more than a new form of communication.

4. Claims 3-9, 18-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Oncken et al (US 4,725,719).

Re. Claims 3-9, Fleming, explicitly, does not disclose wherein a restriction selected by the consumer includes a restriction to a particular merchant, and wherein a restriction selected by the consumer includes a restriction on the amount of the transaction, and wherein a restriction selected by the consumer includes a restriction on a balance accrued for transactions during a period of time, and wherein the period of time is selected from the group consisting of a day, a week and a month, and wherein a restriction selected by the consumer includes a restriction on a type of goods or services purchased, and wherein the transaction is initiated by a card user other than the consumer, wherein the transaction is consummated without the merchant receiving the identity of the consumer. However, Oncken et al discloses these steps [see entire document particularly, Abs; Figures 1-4; C1 L5 to C6 L11]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the teaching of Fleming and include control on usage of the card, as taught by Oncken et al, to use the card for restricted purpose and avoid abuse, prevent fraud and misuse.

Re. Claims 18-22, & 24 Fleming, explicitly, does not disclose wherein the criteria selected by the consumer includes a restriction to a particular merchant, and wherein the criteria selected by the consumer includes a restriction on the amount of the transaction, and wherein the criteria selected by the consumer includes a restriction on a balance accrued for transactions during a period of time, and wherein the period of

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time is selected from the group consisting of a day, a week and a month, and wherein the criteria selected by the consumer includes a restriction on a type of goods or services purchased, and wherein the transaction is consummated without the merchant receiving the identity of the consumer. However, Oncken et al discloses these steps [see entire document particularly, Abs; Figures 1-4; C1 L5 to C6 L11]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the teaching of Fleming and include control on usage of the card, as taught by Oncken et al, to use the card for restricted purpose and avoid abuse, prevent fraud and misuse.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US Pat 5,999,596 to Walker et al, Dec. 7, 1999 "Method and system for controlling authorization of credit card transactions" discloses a method and apparatus for controlling credit card use. As described in one aspect of the disclosure, a method is disclosed for facilitating communication between a first person (account holder) and a second person (user) so that the first person may authorize a transaction between the second person and a third party (merchant). The method comprises the steps of linking the first and second persons to a

financial account that is used for the transaction, receiving data identifying the financial account and the third party from the third party, inquiring whether the first person desires to communicate with the second person based on the data identifying the financial account, and enabling communication between the first and second persons based on a response to the inquiry from the first person and the data identifying the third party and in this way, the first person can control the authorization or denial of a transaction executed by a user based on circumstances surrounding the transaction.

US Pat 5,914,472 to Foladare et al, June 22, 1999 "Credit card spending authorization control system" discloses a system and method for allowing a parent to control the use of an ancillary credit or debit transaction card which is issued to a child. A central computer communicates with an issuer computer having a database containing account information and spending limits for the transaction card and the parent can set a spending limit for the ancillary card given to the child. When the child presents the ancillary transaction card to a merchant in payment of merchandise, the merchant swipes the card and contacts a central computer for card authorization. If the credit limit of the ancillary cardholder has been exceeded according to the database, a method of contacting the parent is transmitted to the central computer.

US Pat 5,845,260 to Nakano et al, Dec. 1, 1998 "System and method for parent-controlled charging for on-line services" discloses a charging method for use in an interactive on-line service where a server and terminals of users are

mutually connected by a transmission medium, where a predetermined service is provided from the server to the terminals via the transmission medium, and where the fee for such service is collected from each user individually, includes the steps of opening, in the server, an imaginary account for a child of the relevant user with a limited maximum amount, and withdrawing from the imaginary account the fee for the service provided to the user's child. The server can provide a predetermined service to the relevant user's child within a range of the limited maximum amount preset in the imaginary account. When withdrawing the fee from the imaginary account, the server can restrict the service providable to the terminal. Thus, the parent enables his child to receive a desired on-line service, such as on-line shopping or video-on-demand, on the basis of the child's own judgment by setting an upper limit of a service utilizable by the child and still limiting the services providable for the child, hence realizing promoted utilization of the service by children.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

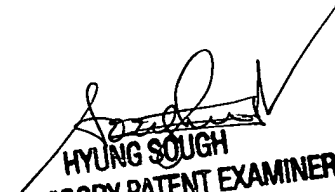
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass *HTD*
Examiner
Art Unit 3628

9/7/03


HYUNG SOUH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600